Secrt. II-27—20,006—16-11-40

Dev. (194( ) Department.

M SERIES.

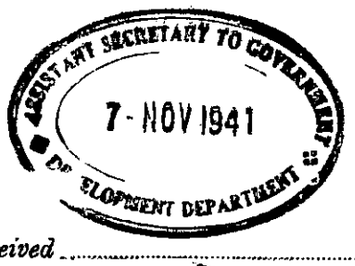
G.O. No. 2140

Dated 20-11-41

[Despatch Abstract.]

ESTABLISHMENT - Forests - Jacob Souza, Forestguard II Grade, South Kanara Division - Retention in service and grant of leave after the age of 55 - Approved.

C.F. 30.



FOREST **DEPARTMENT.**

Received ..... 19 *Registered* 30802/41 19

7-11-41

Subject.

Pension - Jacob Souza, Forest Guard Second Grade South Kanara Division - Retention in service and grant of leave after the age of 55.

ENCLOSURES.
No. .....
.....
Spare copies .....

Ref. No. 7962/41.B4.

Station Madras, *Dated the* 5th November 1941

From (Name) W.G. Dyson Esq., I.F.S.,

(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,

Development Department.

Sir,

Memo on p.135 of (A).

In April 1941 Jacob Souza, Forest Guard III Grade South Kanara Division was promoted to the IInd Grade with effect from the 1st March 1941. As he had attained the age of 55 on the 13th March 1938 and as, after his promotion to the IInd Grade, his service was superior for purposes of pension, he was retired from service and relieved on the afternoon of the 10th May 1941 under Article 459(b)* of the Civil Service Rules. Later, in July 1941 the order was modified and the promotion to the IInd Grade was ordered with retrospective effect from the 7th June 1933.

Lines of Bkm 75

A on p. 161 of (A).

2. The Forest Guard was granted the following leave after the 13th March 1938 the date on which he attained the age of 55.

	From	To	Y. M. D.
(i) Leave on average pay	20-9-1938	to 19-10-1938	0--1--0
(ii) Leave on average pay	22-6-1939	to 23-6--1939	0--0--2
(iii) Leave on average pay	18-8-1939	to 17-9--1939	0--1--0
		Total	0--2--2

x for 2 days

The Forest Guard's history of service together with his service book and personal file is enclosed.

Part of Ltr. Part up 2 days

3.

2/

3. I request that Government be pleased to sanction

(i) the retention of the Forest Guard in service from the 13th March 1938 to the 10th May 1941 under Fundamental Rule 56, and

(ii) the grant of leave to him for the periods mentioned in paragraph 2 above, amounting to two months and two days, under instruction to Fundamental Rule 86.

4. Copies of Reference No. 2645/41., dated the 18th October 1941 from the Conservator of Forests, Ootacamund Circle and my No. 7962/41.B4, dated the 25th September 1941 are enclosed.

6.11.41

FOR CHIEF CONSERVATOR OF FORESTS,
MADRAS.

Enclosures: 1. History of Service.
2. Service book.
3. Personal file
4. Conservator's L.Dis. No.1170/41,
5. Conservator's L.Dis. No.1684/41,
6. District Forest Officer's C.File 1655/40.

ks.6.11.

6/11

Copy of Chief Conservator's Reference No. 7962/41.B4 dated the 25th September 1941 to the District Forest Officer, South Kanra.

Ref. Letter from the District Forest Officer No. 1495/11 C1, dated the 28th August 1941, endorsement of the Conservator No. A. 2645/41., dated the 6th September 1941.

Subject: Pension - Jacob Souza, Forest Guard, II Grade, South Kanara Division - Retention in service and grant of leave after the age of 55.

With reference to Rule 6 of the rules issued in G.O. No. 311, Public (Services) dated the 13th April 1933 as amended in G.O. No. 937 Public (Services) dated the 14th November 1933 Forest Guards were eligible to draw the old scale of pay on promotion from grade to grade, as no grades of Forest Guards were then selection grades. Grades I to III of Forest Guards became selection grades from the 26th May 1937, the date on which the special rules for the Forest Subordinate Service were re-issued in G.O. No. 960 Public (Services), dated the 26th May 1937. Government therefore directed, in G.O. No. Ms 768, Development, dated the 22nd April 1941, that Forest Guards would be eligible to draw the old scale of pay when they are promoted from one grade to another with effect from the 26th May 1937. Forest Guard Jacob Souza's pay is Rs 21 from the 7th June 1933 to the 10th May 1941. The memorandum of service and leave should be revised accordingly.

2. Officers who begin service as Forest Guards in the inferior service and subsequently rise to appointments in superior service in or above the ranks of forest guards count their whole service as superior. There is therefore no need to classify Forest Guard Jacob Souza's service into superior and inferior as his whole service is superior.

3. The memo of service and leave is returned herewith together with the Forest Guard's service register, for revision and re-submission at an early date.

4. The District Forest Officer is requested to send for reference and return the files containing the orders promoting the Forest Guard to the IInd Grade.

******

Copy to the Conservator of Forests, Ootacamund Circle.

He is requested to report the special circumstances in which he instructed the District Forest Officer to order the promotion of the Forest Guard with retrospective effect and to send the concerned files.

****

Copy of letter from the Conservator of Forests, Ootacamund Circle, Ootacamund to the Chief Conservator of Forests, Madras, Ref. A. No. 2645/41., dated the 18th October 1941.

Pension - Jacob Souza, - Forest Guard II Grade - South Kanara - Retention in service and grant of leave after age of 55.
Ref. Chief Conservator's No. 7962/41.B4, dated the 25th September 1941.

In his R.C. No. 1855/40.C1., dated 8th April 1941 the District Forest Officer, South Kanara asked me for instructions whether promotions of Forest Guards in the II, III and IV Grade can be ordered with restrospective effect from the dates from which such vacancies arose, and in which case an expenditure of roughly over Rs 2,000 would be involved in the shape of arrear pay. Incidentally the District Forest Officer mentioned about Forest Guards Mahalinga and Jacob Souza who were over 55 years of age having been promoted from III to II Grade with effect from 1st March 1941, and requested instructions whether they should be retired at once and whether Chief Conservator's sanction should be obtained for retention till the date of retirement.

2. In my L. Dis. No. M. 1170/41., dated 19-4-1941, I informed the District Forest Officer that there was no objection to the Forest Guards being promoted with retrospective effect. As regards the point raised about the Forest Guards Mahalinga and Jacob Souza, the District Forest Officer's attention was drawn to Article 459(b) and (d), Civil Service Regulations and he was informed that there were no grounds for retaining executive subordinates beyond 55 years of age.

3. Thereupon the District Forest Officer wrote to me as follows:-

"In para 1 of the above reference (Conservator's L.Dis. No. M. 1170/41., dated the 19th April 1941) it has been ordered that there there is no statutory objection to order the promotion of Forest Guards with retrospective effect. In this connection attention is invited to G.O. No. 768, Development, dated the 22nd April 1941 communicated in Chief Conservator's Proceedings Mis. No. 175/41, dated the 29th April 1941, wherein, it is directed that promotion of Forest Guards can be ordered with restrospective effect only from the 25th May 1937 and as a result of such promotions, the Forest Guards would not be eligible for any arrears of pay. As explained in my previous letter to the Conservator, R.C. No. 1855/40.C1., dated the 8th April 1941,

I ordered the promotions of Forest Guards with effect from the 1st March 1941 and when I received Conservator's orders that there is no statutory objection to promote with retrospective effect, my intention was to promote accordingly and claim arrears of pay. In view of the G.O. that has been received since, I request instructions on (1) from which date promotions can be ordered with retrospective effect and (2) from which date arrears of pay can be claimed."

This reference called for a general interpretation of the orders in G.O. No. 768, Development, dated the 22nd April 1941; and in my reply No. L.Dis. No. 1654/41., dated the 26th June 1941 I explained to him the position in the course of which I observed:—

"G.O. No. 768, Development, dated the 22nd April 1941, enables such Forest Guards as were in service before the 15th August 1931 to draw the old scales of pay on promotion to higher grades including selection grades. At the same time this G.O. prohibits the retrospective drawal of the old scales of pay for the period between 26-5-1937 .....and 21-4-1941. .....Retrospective promotions in vacancies that occurred before the 13th April 1933 can, however, be ordered only with effect from the 13th April 1933. ....."

4. My instructions to the District Forest Officer in the matter were only of a general nature interpreting the Government Orders on the subject and I had therefore not specially instructed the District Forest Officer to order the promotion of Forest Guard Jacob Souza with retrospective effect.

5. This office L.Dis. files Nos. M. 1170/41., and M. 1684/41 are enclosed as they have been called for

6. The District Forest Officer's report No. 1495/41.C1,, dated 12-10-1941 in reply to the Chief Conservator's Reference to him is also enclosed with enclosures.

7. Para 5 of the District Forest Officer's report. In my No. 1684/41., dated the 26th June 1941 I informed the District Forest Officer that arrear pay could not be drawn on the old scales of pay till the 21st April 1941. I am instructing the District Forest Officer to submit a separate report with the arrear pay bills referred to by him in order to obtain the sanction of the Government.

***

Copy of letter P.c.No. 1495/41.C1., dated the 12th October 1941, from the District Forest Officer, South Kanara to the Chief Conservator of Forests, Madras.

Subject: Pension - Jacob Souza, Forest Guard II Grade retired from service - retention in service and grant of leave after the age of 55

Ref. Chief Conservator's Ref. No. 7962/41.B4, dated the 25th September 1941.

The memo of services and leave has been corrected as ordered.

2. The instructions are noted. While forwarding the pension application, the whole of the Forest Guard's service will be classed as superior and shown as such therein. Separate totals were struck in the memorandum of services and leave as per printed instruction No. 7 at the top of the form.

(5)

5.

3. The papers are resubmitted after doing the needful.

(A) 4. Current file 1855/40.C1., of this office containing 166 pages is sent herewith.

5. In this office Rc. No. 1495/41.C1., dated 8th September 1941 an arrear pay bill claiming the pay due to the Forest Guard from the 7th June 1933 onwards as a result of this retrospective promotion was sent to the Accountant General Madras, for pre-audit and return. In his No. 470 dated 19th September 1941 the Accountant General has stated that claims over three years cannot be entertained as they require the sanction of Government. While bringing the case of this Forest Guard to the notice of Government in respect of his pension etc., this point about the payment of his arrear pay from the 7th June 1933 may kindly be referred and orders passed.

***

MEMORANDUM OF SERVICE AND LEAVE

Name: Jacob Soza
Designation: F. G. II Grade.
Date of birth by Christian era 13.3.1883.

Establishment and headquarterms.	Appointments substantive acting or temporary, both superior and inferior.	Pay. Rs	Acting allowance. Rs	Date of beginning.	Date of ending.	Period reckoned as service.	Period not reckoned as service.	How verified.
Mangalore North Division.	Forest Guard IV Grade.	15		1-10-20	6-6-35	12--8--6	...	With reference to Paid Rolls etc.
	Do. II Grade	21		7--6-33	25-5-37	3-11-19	...	
	Do.	21		26-5-37	19-9-38	1--3-24	...	
			L.A.P.	20-9-38	19-10-38	0--1--0	...	
	Do.	21		20-10-39	21-6-39	0--8--2	...	
			L.A.P.	22-6-39	23-6-39	0--0--2	...	
	Do.	21		24-6-39	17-8-39	0--1-24	...	
			L.A.P.	18-8-39	17-9-39	0--1--0	...	
	Do.	21		18-9-39	21-4-41	1--7--4	...	
	Do.	21 (old scale)		22-4-41	10-5-41	0--0-19		
					Total	20-7-10		
					Inferior service	12-8--6		
					superior service	7-11-4		
					Total	20-7-10.		

SD. M. KESAVANUNNI NAYAR
DISTRICT FOREST OFFICER
SOUTH KANARA
DATED 28-8-1941.

Development Department.

Establishment - Forests - Jacob Souza - Forest guard II grade, South Kanara Division - Retention in service and grant of leave after the age of 55.

C.No. 30802 C/41.

From the C.C.F. Ref.No.7962/41-B.4. dated 5-11-41.

U.S.

Jacob Souza, a forest guard, III grade attained the age of 55 on 13-3-1938. As he was then in inferic service, he was not compulsorily retired. In April 1941 he was promoted to II grade with effect from 1-3-1941. His services then became superior for purposes of pension and with reference to clause (a) of F.R.56 he should have been compulsorily retired immediately. This was however not done. But under instructions from the Conservator, the D.F.O. actually retired him from service with effect from 10-5-41. But subsequently the order of promotion to II grade was modified and his promotion to II grade was ordered to take effect from 7-6-1933. The Conservator has explained the circumstances in which the promotion of the forest guard was ordered with retrospective effect The forest guard should be deemed to have entered superior service from 7-6-1933, and his retention in service from 13-3-1938 to 10-5-1941 requires the sanction of the Government.

The forest guard was on leave for a total period of 2 months and 2 days after 13-3-1938 and this requires the sanction of the Govt. under the instruction to F.R. 86.

A draft order is submitted. It may be sent to Finance for acceptance.

14. 11. 41

Fin.

FINANCE DEPARTMENT
15 NOV 1941
3338
39534

Dr. w.o.no: 30802 C/41-1
14-11-41
(with L.F. 30806 C/41)

210/

Finance (CSR)

The draft order may be accepted.

17-11-41 C.S.

17.11.

17/11 Dev

Fin no 39534 1941

17.11

Dev. Dept.

For info.

The draft order may issue now.

31685

19.11

18/11/41

Issued as G.O. no: 2120 Dr. d. 20-11-41

11

26. 2 9 11
Date. Initials.

DRAFT FOR APPROVAL.

C.F. 17.

Development Dept.

When received for fair copying.		
When copied ...	26/11/41	
When examined...		
When signed ...		
When despatched.		

SUBJECT :—

Establishment

Forests -- Jacob Souza, Forestguard II grade, South Kanara Division -- ~~retion~~ relention in service and grant of leave after the age of 55 -- approved.

READ AGIAN ....., dated ..... 19 .....

" " ..... " ..... 19 .....

READ *ALSO* :—

No. 308029/4 From the C.C.F. Rly., No. 7962/41B-4, dated 5-11-1941. C.F.

" ..... " ..... " ..... " ..... 19 .....

" ..... " ..... " ..... " ..... 19 .....

Order / ~~Resolution~~ **Ms.** / ~~Rout.~~ No. 2120, dated 20/11/41 19 .....

The Government approve of the retention in service of Jacob Souza, forest guard II grade, South Kanara Division, ~~in service~~ from 17-3-38 to 10-5-1941 after he attained the age of 55.

2. Under the instruction to F.R.86 the Government sanction the grant of leave on average pay to Jacob Souza for the following periods:

From	To
20- 9-38	19-10-38
22- 6-39	23- 6-39
18- 8-39	17- 9-39

Ans. 12/11/41

14. 11

13/11/41.

R 91 of Bkm no. 93.

Sd with Encls mentioned below 21/11/41.

To

The C.C.F.
" A.C. through Finance.

Enclosures to C.C.F.

Conservator's Dis. No. 1170/41
" Dis no. 1684/41
D.F. of C. file 18857/40.
Service Book of Jacob Souza.
Personal L/F of Jacob Souza.

clw 21/11